IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 31881 of 2007(U)

PETITIONER:

P.B.VIMAL ROY, S/O.P.K.BAHULEYAN,
AGED 41 YEARS, ATTENDER, FOREST & WILD LIFE DEPARTMENT, SECRETARIAT, TRIVANDRUM,
(RESIDING AT GOVERNMENT QUARTERS NO.47/590, RAJEEV NAGAR, MELARANNUR, POOJAPPURA, THIRUVANANTHAPURAM).

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

1. **THE DISTRICT COLLECTOR, THIRUVANANTHAPURAM.**
2. **SRI.N.A.SANTHOSHKUMAR, GOVERNMENT QUARTERS NO.30/317-B, RAJEEV NAGAR, MELARANNUR, POOJAPPURA, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI. BEJOY CHANDRAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

WP(C) No. 31881 of 2007

Dated, this the 26th day of October, 2007

J U D G M E N T

The petitioner, who is working as Attender in the Forest & Wild Life Department, was originally allotted quarter No. 16/189 in Rajeev Nagar at Poojappura, Thiruvananthapurm. Apparently on account of difficulties faced by his father, who is ailing, and who is looked after by the petitioner, he applied for a more spacious and comparatively more accessible residential quarters. It seems that the petitioner was not strictly entitled to the said quarters. Nevertheless in relaxation of the Rules, as contemplated under Rule 6(6) of the Rules for the Allotment and Occupation of Government Servants' Quarters in Kerala, 1975, the petitioner was allotted 'A' type quarters, No. 47/590, by the District Collector and this was ratified by the Government as evidenced by Ext.P7 order.

2. This allotment of quarters to the petitioner was challenged by the 2nd respondent, who is stated to be the co-brother of the petitioner, and who is working as U.D.Clerk in Government Service, before the Lok Ayukta vide complaint No. 3130/2006 alleging mal-administration and violation of the Rules and procedures. On receipt of summons from the Honourable Lok

Ayukta, it seems that the District Collector, the allotting authority, filed a statement stating that the Asst. Engineer, PWD Buildings, Thiruvananthapuram had reported that quarter, which the petitioner had sought for in relaxation of the Rules, was vacant. But it seems that, there was an error in mentioning that quarter No.49/590 is situated in the ground floor and, this was on the basis of the information given by the petitioner. The statement further mentioned that, therefore, the allotment of quarter No.47/590 to the petitioner was on a mistake and action is being taken against the person responsible for the lapse. Recording the statement filed by the District Collector, the Honourable Lok Ayukta closed the petition. It is thereafter, the District Collector passed Ext.P1 order cancelling the earlier allotment made in favour of the petitioner, which is challenged in this writ petition.

3. In my view, since there was a complaint raised against the allotment of the quarters to the petitioner before the Honourable Lok Aytukta, and it seems that action was originally taken by the officials pursuant to the complaint having been taken cognizance of by the Honourable Lok Ayukta, it would be appropriate for the petitioner to bring this to the notice of the

Honourable Lok Ayukta in the first instance. I say so because Ext.P1 order also indicates that action was originally proposed by the Honourable Lok Ayuka and the petition was closed only on recording the statement filed by the District Collector along with that. If the petitioner is otherwise aggrieved by Ext.P1, it is up to him to move the Government for a re-consideration of or an interference with Ext.P1, in as much as that the original allotment was ratified by the Government as per Ext.P7. Learned counsel for the petitioner submits that it will take some time to take steps as indicated above.

4. In the circumstances, this writ petition is disposed of giving liberty to the petitioner to take appropriate steps in relation to Ext.P1 before the appropriate forum. To enable the petitioner to do so, the District Collector shall not take steps to evict the petitioner from quarter No. 47/590 for a period of one month from today. Further action against the petitioner shall be subject to any order that may be passed by the Government or by the District Collector as the case may be.

(V.GIRI, JUDGE.)

jg